

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Aziz Douieb,

Petitioner,

vs.

Michael B. Mukasey, et al.,

Respondents.

No. CV 08-761-PHX-PRG (JCG)

**REPORT & RECOMMENDATION**

On April 21, 2008, Petitioner Aziz Douieb filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 alleging that immigration officials were holding him in detention pending his removal to Morocco, but that his removal could not be effected. Petitioner sought his immediate release from custody on the grounds that his indefinite detention with no prospect that his removal would be effected in the reasonably foreseeable future was not authorized by law. *See Zadvydas v. Davis*, 533 U.S. 678 (2001) (when there is no reasonable likelihood that a foreign government will accept the alien's return in the reasonably foreseeable future, the immigration laws do not permit the INS to detain the alien indefinitely; rather, the INS has the authority to detain aliens only for a reasonable time beyond the normal 90-day statutory removal period).

On July 15, 2008, Respondents filed a Notice re: Filing the Order of Supervision (Doc. No. 11) indicating that Petitioner was released from detention July 7, 2008. Respondents argue the case is now moot.


1 On July 23, 2008 this Court gave Petitioner until August 23, 2008, to show good cause  
2 why this case should not be dismissed as moot. The court specifically warned Petitioner that  
3 the case may be dismissed without further notice if he failed to respond. Petitioner failed to  
4 respond.

5 RECOMMENDATION

6 Based on the foregoing, the Magistrate Judge recommends that the District Court,  
7 after its independent review of the record, enter an order DISMISSING the Petition for Writ  
8 of Habeas Corpus as MOOT.

9 Pursuant to 28 U.S.C. §636 (b), any party may serve and file written objections within  
10 10 days of being served with a copy of this report and recommendation. If objections are not  
11 timely filed, they may be deemed waived. If objections are filed, the parties should use the  
12 following case number: No. CV 08-761-PHX-PRG.

13 DATED this 26<sup>th</sup> day of August, 2008.

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18 Jennifer C. Guerin  
19 United States Magistrate Judge  
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